

Crl. Rev. No. 229/2003

Hon'ble Irshad Hussain, J.

None appear for the revisionist.
Heard Sri A.Rab learned Additional
Government Advocate and Sri Lok Pal
Singh learned counsel for the respondent
no.2.

By means of this revision the order dated 12-12-2003 passed by the Principal Judge family Court, Haridwar has been challenged. From perusal of the revision petition it is evident that the impugned order had been challenged mainly on the basis that the maintenance allowance fixed was on the higher side and that he was not in a position which were not in his control. Nothing has been shown to substantiate the said allegation and further that the prosperity of the grant of the maintenance allowance can not be challenged when the matter pertain to issuance of recovery proceedings in law as contemplated by section 125(3) of the Criminal Procedure Code. However the learned Principal Judge Family Court has while issuing the process for recovery also directed the issue of non-bailable warrant against the petitioner-husband which was not proper and justified in the circumstances of the case. Considering this the revision may be partly allowed to that extent.

The revision is partly allowed and the direction to issue non bailable warrant
The issue of recovery warrant shall be enforced according to law.

(Irshad Hussain, J.)

Dated : 26-3-2004

ISB